

CHAPTER 144
HOUSEHOLD HAZARDOUS MATERIALS

567—144.1(455F) Scope. This chapter is intended to implement provisions of Iowa Code sections 455F.1 to 455F.11. The Act requires retailers that sell household hazardous materials to maintain and prominently display consumer information booklets which provide information on the proper use of household hazardous materials, and specific instructions for the proper disposal of certain substance categories. Additionally, retailers are required to make available consumer information bulletins about household hazardous materials. Manufacturers or distributors of household hazardous materials who authorize independent contractor retailers to sell products of the manufacturer or distributor on a person-to-person basis are required to provide each independent contractor retailer with sufficient quantities of the booklet. The independent contractor retailer is to provide a copy of the booklet to the customer at the time of the sale.

The Act requires the environmental protection commission to adopt rules which designate the type and amount of information to be included in the consumer information booklets and bulletins. The booklets and bulletins are available free from the department of natural resources, but the rules allow the retailers to provide their own.

This chapter contains rules identifying products which are considered to be household hazardous products and informational signs as well as prescribing the general information to be included in consumer information booklets.

567—144.2(455F) Definitions.

“*Commission*” means the environmental protection commission.

“*Department*” means the department of natural resources.

“*Informational signs*” means signs which explain the household hazardous materials program and direct consumers to the location of informational booklets or other information available in the store.

“*Manufacturer*” means a person who manufactures or produces a household hazardous material for resale in this state.

“*Retailer*” means a person offering for sale or selling a household hazardous material to the ultimate consumer within the state.

“*Wholesaler*” or “*distributor*” means a person other than a manufacturer or manufacturer’s agent who engages in the business of selling or distributing a household hazardous material within the state for the purpose of resale.

567—144.3(455F) Household hazardous materials. This rule defines what materials constitute household hazardous materials when sold for use in a residence.

144.3(1) *Types of materials included.* Household hazardous materials include:

- a. Any hazardous substance as defined in Iowa Code section 455B.411, subsection 2;
- b. Any hazardous waste as defined in Iowa Code section 455B.411, subsections 3(a) and 3(b).

144.3(2) *Products included.* Household hazardous materials include, but are not limited to, any brand, grade, size or volume of the following products:

- a. Motor oils and motor oil additives,
- b. Motor oil filters,
- c. Gasoline additives,
- d. Diesel fuel additives,
- e. Degreasers,
- f. Waxes and polishes (excluding nail polish),
- g. Solvents (excluding water),
- h. Paints (excluding latex-based paints),
- i. Lacquers,
- j. Thinners (excluding water),
- k. Caustic household cleaners,

- l.* Spot and stain removers with a petroleum base,
- m.* Petroleum-based fertilizers,
- n.* Color cathode ray tubes (CRTs).

144.3(3) Exemptions. A household hazardous material does not include laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, animal and human medications, and pharmaceuticals.

567—144.4(455F) Sign requirements.

144.4(1) Specifications. Informational signs shall be at least 8½" x 11" and must contain the program symbol of at least 2" in size as shown below.



The sign shall explain the significance of the relationship of improper disposal of household hazardous materials to the contamination of groundwater, and shall direct consumers to the location of informational materials in the store.

144.4(2) General requirements. Retailers required to be permitted under Iowa Code section 455F.7 must maintain a list of products sold which are household hazardous materials adjacent to an informational sign. These materials must be at the location where the consumer picks up the products for purchase.

144.4(3) Informational signs. These signs must be displayed at locations in the store close to shelves where household hazardous materials are offered for sale and in the location where informational materials are available. The informational signs are not required to be placed at every location where products are sold, but they should be displayed at areas where there are concentrations of such products. The locations of the signs shall be such that they will be clearly visible to customers.

144.4(4) Availability. Retailers are responsible for ensuring that signs are all located properly in accordance with the provisions of 144.4(3). Retailers may print their own informational signs so long as they are at least the same size and contain all of the information found on those provided by the department. Retailers may also obtain signs from the department. Order forms for these materials are available on request from the department.

144.4(5) Variances. Retailers wishing to use signs other than as required by this chapter must request and receive from the department a variance from these rules, provided, however, that a variance is not required to use informational signs which are larger than those required by this chapter.

567—144.5(455F) Consumer information material.

144.5(1) Required. All retailers, wholesalers or distributors required to be permitted under Iowa Code section 455F.7 shall display the consumer information material described in 144.5(2) and provide it to the public on request. Manufacturers or distributors of household hazardous materials who authorize independent contract retailers to sell products on a person-to-person basis are required to provide each independent contractor with sufficient quantities of the materials described in 144.5(2), as well as a list of household hazardous materials offered for sale, to be disseminated to their customers. During the course of a sale of household hazardous material by a contractor retailer, the customer shall in the first instance be provided with a copy of both the list and the consumer information booklet. In subsequent sales to the same customer, the list and booklet shall be noted as being available if desired. All materials shall be made available to customers at no charge.

144.5(2) Contents. Consumer information booklets available from the department shall contain at a minimum the following types of information: information on the kinds of products considered to be household hazardous materials, options for use and the proper disposal of household hazardous products,

emergency telephone numbers in case of a spill, and an explanation of the groundwater concerns related to the household hazardous materials program. Retailers may print their own information booklets so long as the text of the booklets is identical to that provided by the department. The booklets may contain original graphics and the identity of the retailer as a means to customize the booklet, except that the household hazardous materials program symbol must be printed on the cover page of any booklets published after the effective date of these rules. The booklet provided by the department will be subject to periodic updates as the program develops, and may include space for retailers to include their own name or logo.

144.5(3) *Bulletins.* Periodically, the department may provide bulletins or other forms of public information materials for distribution to enhance public understanding of the program and their participation in it. The bulletins may also cover special areas of concern, new developments on disposal or product options.

144.5(4) *Availability.* Retailers permitted under Iowa Code section 455F.7 may obtain consumer information materials for distribution to their customers by filling out an order form. Order forms and booklets are available at no charge upon request to the department.

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